

## UNITED STATES DISTRICT COURT

for the

District of New Mexico

FILED  
At Albuquerque NM  
JUL 15 2015MATTHEW J. DYKMAN  
CLERK

In the Matter of the Search of )

(Briefly describe the property to be searched  
or identify the person by name and address) )One (1) "Cheetos" brand, Flamin' Hot Puffs bag, listed  
weight of 240.90 grams (Further depicted in attached  
photograph) )

Case No. 15-mr-434

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

One (1) grey with lime green striped "Adidas" brand bag, presently located at the Drug Enforcement Administration, located in the Judicial District of New Mexico, there is now concealed (identify the person or describe the property to be seized):  
Cocaine, Methamphetamine, Heroin and/or marijuana

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 USC 841	Possession with Intent to Distribute a Controlled Substance.

The application is based on these facts:  
(See Affidavit, Attachment A)

- ☒ Continued on the attached sheet.  
☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Jarrell W. Perry  
Applicant's signature

Jarrell W. Perry, DEA Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 07-15-2015

City and state: Albuquerque, New Mexico

Karen B. Molzen  
Judge's signature

Karen B. Molzen, US Magistrate Judge

Printed name and title

**Attachment A**

**AFFIDAVIT IN SUPPORT OF APPLICATION**

I, Jarrell W. Perry, being duly sworn, hereby depose, and state as follows:

I am a Special Agent of the Drug Enforcement Administration (DEA). I have been so employed since September, 1998. Prior to my employment with the DEA, I was a Police Officer for approximately six years. By virtue of my employment with the DEA, I am authorized to conduct investigations of violations of the Controlled Substances Act. Over the course of my twenty-three years in law enforcement, I have been assigned to the DEA Albuquerque District Office Interdiction Unit for approximately 15 years and have been involved in over 1,300 seizures of illegal narcotics and United States Currency on Amtrak Trains, Airports, packaging services and various bus companies. I have also participated in and/or executed many search warrants involving various forms of luggage. I am currently assigned to the Albuquerque District Office Interdiction Group.

This affidavit is offered in support of an application seeking authorization to conduct a search for contraband contained in a "Cheetos" brand, Flamin' Hot Puffs bag, listed weight of 240.90 grams (hereinafter referred to as the SUBJECT PROPERTY). It is my belief that the SUBJECT PROPERTY currently contains evidence of violations of Title 21 United States Code, Section 841(a) (1), the manufacture, distribution and possession with intent to distribute a controlled substance. Because this affidavit is being submitted for the limited purpose of obtaining a search warrant, I have not included each and every fact known to me concerning this investigation. I have also relied on the experience and assistance of Drug Enforcement

Administration (DEA) Task Force Officer (TFO) Jimmy Bledsoe and New Mexico State Police K-9 Officer Joshua Campos during this investigation.

### **BACKGROUND OF THE INVESTIGATION**

On July 15, 2015, Special Agent (S/A) Jarrell W. Perry and DEA TFO Jimmy Bledsoe were at the Greyhound Bus Station in Albuquerque, New Mexico to check the eastbound Greyhound Bus that makes a regularly scheduled stop in Albuquerque, New Mexico. S/A Perry and TFO Bledsoe boarded the bus and S/A Perry spoke with passengers that were traveling on the bus for cities that are east of Albuquerque, New Mexico. S/A Perry approached a male, later identified as Alejandro TAMAYO-FIGUEROA, who was seated in his respective seat on the Greyhound Bus. S/A Perry displayed his badge and identified himself as a police officer to TAMAYO-FIGUEROA, and asked for and received consent to speak to TAMAYO-FIGUEROA. During the conversations, S/A Perry learned from TAMAYO-FIGUEROA that he was traveling to Louisville, Kentucky from Phoenix, Arizona.

S/A Perry observed a black colored duffel type bag that was lying in the empty window seat directly beside TAMAYO-FIGUEROA. S/A Perry asked TAMAYO-FIGUEROA if he had luggage with him on the bus and TAMAYO-FIGUEROA identifies that black colored duffel bag that was lying directly beside him as belonging to him, as well as a checked in piece of luggage. S/A Perry asked for and received voluntary permission from TAMAYO-FIGUEROA for permission to search his black duffel type bag for contraband. TAMAYO-FIGUEROA handed S/A Perry black colored duffel type bag. S/A Perry unzipped the black bag, which revealed a

large sized, "Cheetos" brand bag contained inside of a plastic shopping inside of the black bag. S/A Perry picked up the "Cheetos" brand bag and observed from his experience that it was overly heavy for a "Cheetos" brand bag. S/A Perry looked at the top of the "Cheetos" brand bag and observed that the top of the bag had been opened and resealed in two different areas. S/A Perry believed from his experience that the "Cheetos" brand bag had been opened and due to the weight contained illegal narcotics. S/A Perry knew from his personal experience that food bags

*Jump\*  
KBM* are often used to conceal and transport illegal narcotics via the Greyhound Bus.

S/A Perry asked TAMAYO-FIGUEROA if the "Cheetos" brand bag belonged to him and TAMAYO-FIGUEROA said yes. S/A Perry asked TAMAYO-FIGUEROA if he had opened up the "Cheetos" brand bag and TAMAYO-FIGUEROA said no. TAMAYO-FIGUEROA said that a friend of his gave him the "Cheetos" brand bag, but would not provide a name of his friend. S/A Perry asked TAMAYO-FIGUEROA for permission to open up his "Cheetos" brand bag to confirm that there was nothing illegal inside and TAMAYO-FIGUEROA denied S/A Perry consent. S/A Perry informed TAMAYO-FIGUEROA that his "Cheetos" brand bag was being detained to allow a narcotics canine to conduct a sniff and possible search warrant to search the contents.

S/A Perry filled out a personal property receipt for TAMAYO-FIGUEROA's "Cheetos" brand bag and provided a copy to TAMAYO-FIGUEROA. S/A Perry informed TAMAYO-FIGUEROA that if there was nothing illegal located inside of his "Cheetos" brand bag after the canine sniff and possible search warrant was obtained that his "Cheetos" brand bag would be mailed to the address that TAMAYO-FIGUEROA provided to S/A Perry.

*\* At the DEA AOD, the official weight of the "Cheetos" brand bag was 640.40 gross grams. JWP KBM*

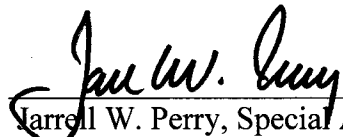
An NCIC check by TFO Bledsoe revealed that TAMAYO-FIGUEROA had an outstanding warrant for his arrest for kidnapping in Louisville, Kentucky, which was fully extraditable. TAMAYO-FIGUEROA was taken into custody for the active warrant for his arrest.

.At the DEA ADO, New Mexico State Police K-9 Officer Joshua Campos, deployed his trained and certified narcotics canine, "Kimba" on TAMAYO-FIGUEROA's "Cheetos" brand bag. K-9 Officer Campos informed S/A Perry that "Kimba" alerted to the "Cheetos" brand bag for the odor of illegal narcotics. "Kimba" was last certified in December, 2014 by the Customs and Border Protection Canine Center in El Paso, Texas to detect controlled substances including methamphetamine, cocaine, heroin, marijuana, and their derivatives.

Based on the above listed facts listed throughout this affidavit, it is my belief that TAMAYO-FIGUEROA has concealed within the SUBJECT PROPERTY controlled substances.

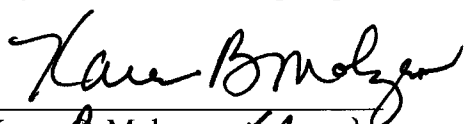
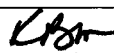
Wherefore, your Affiant respectfully requests that a search warrant be issued authorizing the search for the items outlined above.

This search warrant and supporting affidavit were approved by Assistant United States Attorney Kimberly Brawley.

  
Jarrell W. Perry, Special Agent  
Drug Enforcement Administration

Sworn to before me, and subscribed in my presence,

July 15, 2015, at Albuquerque, New Mexico

  
Karen B Molzen   
Chief United States Magistrate Judge



